

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2414 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

and

MR.JUSTICE R.P.DHOLAKIA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : YES
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : YES
5. Whether it is to be circulated to the Civil Judge? : YES

RAMESHBHAI KARSANDAS PATEL

Versus

THE STATE OF GUJARAT

Appearance:

MR RN SHAH for Petitioner
MR HL JANI, A.G.P. for Respondent No. 1
MR AJ PATEL for Respondent No. 2
MR SB VAKIL for Respondent No. 3
RULE NOT RECD BACK for Respondent No. 4
MR PM THAKKAR for Respondent No. 11

CORAM : MR.JUSTICE J.M.PANCHAL and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 08/07/1999

ORAL JUDGEMENT

(Per : Panchal, J.)

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to quash and set aside order dated December 8, 1989 produced at Annexure-B to the petition by which exemption under section 20(1)(a) of the Urban Land (Ceiling & Regulation) Act, 1976 was granted to respondents No.3 to 10 in respect of certain lands. In the alternative, the petitioner has prayed for a direction to the State of Gujarat to initiate proceedings under section 20(2) of the Act for withdrawal of the said order of exemption. The petitioner has also prayed to declare that section 20(1) of the Urban Land (Ceiling & Regulation) Act, 1976 is ultravires. The Court has by its order dated February 27, 1997 issued rule and granted interim relief subject to certain conditions.

The Urban Land (Ceiling & Regulation) Act, 1976 has now been repealed by Urban Land (Ceiling & Regulation) Repeal Act, 1999. It is not disputed that possession of the land in question has not been taken by respondent no.1 i.e. State of Gujarat. In this view of the matter, the petition has abated and deserves to be disposed of accordingly.

For the foregoing reasons, it is held that the petition has abated. Rule is discharged, with no order as to costs. Ad-interim relief granted earlier is hereby vacated.

(patel)